

BILL ANALYSIS

C.S.H.B. 3747
By: Goldman
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns that the state's current temporary paper license plate system has allowed criminals an easy way to disguise vehicles, avoid prosecution, and inflate a public safety problem in Texas. C.S.H.B. 3747 seeks to increase enforcement by law enforcement agencies to reduce the number of fraudulent temporary tags on the road and the distribution or possession of such temporary tags by prohibiting the possession of an unauthorized temporary tag and increasing penalties for offenses involving producing, reproducing, selling, or distributing temporary tags or items represented to be temporary tags.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3747 amends the Transportation Code to increase to a third degree felony the penalty for the following offenses:

- an offense involving a violation of the prohibition against producing or reproducing a temporary tag or an item represented to be a temporary tag for the purpose of distributing the tag to someone other than a motor vehicle dealer or converter, which is currently a state jail felony; and
- an offense involving the violation of the prohibition against selling or distributing such a tag unless the person is a dealer issuing the tag in connection with the sale of a vehicle, which is currently a Class A misdemeanor.

The bill prohibits a person from possessing an unauthorized temporary tag and creates a Class A misdemeanor offense for a violation of this prohibition.

C.S.H.B. 3747 increases from a Class C misdemeanor to a Class A misdemeanor the penalty for an offense involving a violation of the prohibition against operating a vehicle that displays either a temporary tag in violation of applicable state law or any unauthorized temporary tag.

C.S.H.B. 3747 applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3747 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced includes a prohibition against possessing a temporary tag or item represented to be a temporary tag for the purpose of distributing the tag to someone other than a dealer or converter and makes a violation of this prohibition a third degree felony, the substitute includes a prohibition against possessing an unauthorized temporary tag and makes a violation of this prohibition a Class A misdemeanor.

Whereas the introduced includes a provision increasing from a Class C misdemeanor to a third degree felony the penalty for an offense involving a violation of the prohibition against operating a vehicle that displays either a temporary tag in violation of applicable state law or any unauthorized temporary tag, the substitute includes a provision increasing such a penalty from a Class C misdemeanor to a Class A misdemeanor.

The substitute includes a provision absent from the introduced which increases from a state jail felony to a third degree felony the penalty involving a violation of the prohibition against selling or distributing a temporary tag or an item represented to be a temporary tag unless the person is a dealer issuing the tag in connection with the sale of a vehicle.